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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,930	03/09/2001	Gunter Kohrmann	740116-317	3450

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NIXON PEABODY, LLP
8180 GREENSBORO DRIVE
SUITE 800
MCLEAN, VA 22102

EXAMINER	
QUAN, ELIZABETH S	

ART UNIT	PAPER NUMBER
1743	

DATE MAILED: 09/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/801,930	KOHRMANN ET AL.	
	Examin r	Art Unit	
	Elizabeth Quan	1743	

-- The MAILING DATE of this communication app ars on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-37 is/are pending in the application.

4a) Of the above claim(s) 27-35 is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-26,36 and 37 is/are rejected.

7)☒ Claim(s) 1,3,10,18,24,25 and 37 is/are objected to.

8)☒ Claim(s) 1-37 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 09 March 2001 is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-26, 36, and 37, drawn to a closure carrier with sockets, individual closure elements each with an actuation section and closure section, and reaction vessels, classified in class 422, subclass 102.

II. Claims 27-33, drawn to the formation of the sockets of the closure carrier, classified in class 220, subclass 255.

III. Claim 34, drawn to the formation of an actuation section of a closure element, classified in class 220, subclass 200.

IV. Claim35, drawn to the formation of the storage and dispensing apparatus, classified in class 422, subclass 100.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II/III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because Group I does not require the particulars of either Groups II or III, such as the formation of the sockets as positive-fit elements of a positive-fit connection or non-positive fit element of a non-positive fit connection as recited in Group II and the formation of the actuation section as a positive-fit closure element of a positive-fit connection or a non-positive closure

element of a non-positive connection as recited in Group III. The subcombination of Group II has separate utility such as a plate for holding reaction vessels, filters, or pipette tips, and the subcombination of Group III has separate utility such as a valve preventing air leakage from tires or flotation objects or closure for other containers, such as a coffee pot or biohazards container.

3. Inventions I and IV, II and III, III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention IV has separate utility such as an aerosol can with a lid or an ink jet printer cartridge with a stopper to plug the port for refilling the cartridge. Invention II has separate utility such as a plate for holding reaction vessels, filters, or pipette tips, and Invention III has separate utility such as a valve preventing air leakage from tires or flotation objects or closure for other containers, such as a coffee pot or biohazards container. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and the search required for a group is not required by any other group, restriction for examination purposes as indicated is proper.

6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

7. During a telephone conversation with David S. Safran on 9/8/2003 a provisional election was made with traverse to prosecute the invention of I, claims 1-26, 36, and 37. Affirmation of this election must be made by applicant in replying to this Office action. Claims 27-35 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Priority

9. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

10. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the specific types of closure elements, including bayonet, quick screw, and snap connection; tenon part of the closure element; link section of the positive-fit connection arranged at the closure carrier; latch element of the bayonet closure element; positive and non-positive elements and connection; closure handling device along with its link part; tenon part of the bayonet closure; positive-fit and non-positive fit arrange on the outside at the actuation section of the closure element; closure handling device on the interior at the closure element; closure section with a camber facing downwards; and actuation

tool an active tool of an industrial robot that has fixation for carrying reaction vessels must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

11. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

12. Claim 1 recites the limitation "the aperture of the reaction vessel" in line 6. There is insufficient antecedent basis for this limitation in the claim. Applicant has recited that the reaction vessels are "open to the top."

13. Claim 3 recites the limitation "actuation section" in line 3. This should be actuating section.

14. Claim 10 is objected to because of the following informalities: "by" should be inserted between "carrier" and "a" in line 2. Appropriate correction is required.

15. Claims 18 and 37 are objected to because of the following informalities: "at" on the last line should be "of". Appropriate correction is required.

16. Claim 24 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the

claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. A rubber-elastic plastic material is a thermoplastic elastomer.

17. Claim 24 is objected to because of the following informalities: "theremoplastic" should be "thermoplastic". Appropriate correction is required.

18. Claim 25 is objected to because of the following informalities: "as" should be inserted between "far" and "the" in the last line. Appropriate correction is required.

Claim Rejections - 35 USC § 112

19. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

20. Claims 1-26, 36 and 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is unclear what characterizes a positive-fit and non-positive fit element and a positive-fit or non-positive fit connection, and the specification does not give adequate written description for the meaning of these terms. The specification does not adequately describe what a bayonet closure is and the details of how the socket and closure connect with each other. The specification also does not adequately describe how the actuation tool interacts with the closure element.

21. Claims 12-17 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the exterior of the closure element to be positive-fit, screw, snap, or

bayonet type, does not reasonably provide enablement for the closure handling device to be positive-fit, screw, snap, or bayonet type. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make/use the invention commensurate in scope with these claims. Neither the specification nor drawings disclose such details of the closure handling device.

22. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

23. Claims 1-26, 36, and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

24. Referring to claim 1, the claim conflicts with the drawings since the closure carrier does not actually cover the reaction vessels since the closure carrier has openings aligned with the reaction vessels. Furthermore, it is unclear what "an actuating section for engagement at the individual closure element" means. Does it mean that the actuating section is the section of engagement of the individual closure element? Does it mean that the actuating section is engagement with the closure element?

25. Referring to claims 3-10, 12, 13, 17, 18, and 37, it is unclear what are positive and non-positive elements in the context of this application.

26. Referring to claim 4, unless there is another element involved with the closure element inserted into the socket, how can the positive-fit connection be designed? The closure element and socket form the positive-fit connection.

27. Referring to claims 5 and 7-9, is the bayonet closure element/quick screw connection/snap connection the positive-fit connection between the individual closure element and the socket? Are there two closure elements?

28. Referring to claim 6, it is not known what a tenon part is. Applicant shows a tenon part for the actuation tool but not the closure element. It does not make sense that the positive-fit connection has a tenon part arranged at the individual closure element and the link section of the positive-fit connection is arranged at the closure carrier. How do they structurally relate with each other and with previously recited elements in the base claim?

29. Claim 6 recites the limitation "the link section" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim.

30. Referring to claims 11-13, how does the closure handling device engage the actuation tool? The closure handling device is underneath the closure element. How does the actuation tool engage it when it is secured to the socket above the reaction vessel? It is unclear how the tenon part would interact with the link part? Claim 13 is confusing. How does the link part of the handling device and the positive-fit connection element at the actuation tool comprise a tenon part of a bayonet closure? Do these elements share common parts? How are they structurally related with each other and structure set forth in base claims?

31. Referring to claim 14, this is confusing. Is the bayonet closure different from the individual closure element?

32. Referring to claims 15-17, is the closure handling device for engaging with the actuation section? Is that why there is a need for the quick screw connection or snap connection? Or is it for engaging with the reaction vessel? If so, the drawings do not show that the closure handling

device can engage the reaction vessel, which is below the socket. Neither the drawings nor specification show how the closure handling engages the actuation tool. So either the closure handling device or positive-fit connection has the snap, bayonet, or screw connection?

33. Referring to claims 18 and 37, it is unclear how the positive-fit closure connection or non-positive fit connection is arranged on the outside at the actuation section of the closure element.

34. Referring to claim 21, it is not known what the Applicant means by a camber.

35. Claims 23 and 25 recite the limitation "the securing section". There is insufficient antecedent basis for this limitation in the claim.

36. Referring to claim 23, what does a material fit therewith means?

37. Referring to claim 36, it is unclear what a fixation is.

Claim Rejections - 35 USC § 102

38. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

39. Claims 1-4, 11, 19, 20-22, 25, 26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,251,343 to Dubrow et al.

Referring to claims 1-4, 11, 19, 20-22, 25, 26, Dubrow et al. disclose an arrangement for the contamination-free processing or reaction sequences (see FIG. 2F; COL. 7, lines 42-46;

COL. 9, lines 62-65). At least two reaction vessels (106), which are arranged next to one another and connected to one another on a microtiter plate, are open to the top (see FIGS. 1 and 2F; COL. 4, lines 18-26; COL. 9, lines 53-59). An individual closure element (260), which fits into the aperture of each reaction vessel, has a closure section defined either by the outer surface above and at element (264) for the tight sealing of the reaction vessel and an actuating section defined by the outer surface below element (264) of the closure element for engagement of the individual closure element (see FIG. 2F; COL. 11, lines 56-67; COL. 12, lines 1-27). When the closure section of the individual closure element enters into the reaction vessel, the closure section of the individual closure element forms a plug (see FIG. 2F). A closure carrier (200) covers all the reaction vessels (see FIG. 2F). It appears that the closure section has a slight curvature facing downwardly. Applicant's drawings show that the closure carrier, which is placed upon the reaction vessels, has sockets or openings, such that the closure carrier does not actually physically cover the reaction vessels. Dubrow et al. show the same circumstance, and therefore, meet the limitation. The closure carrier is provided with sockets (206), one for each reaction vessel (see FIG. 2F). Each socket is associated with an actuating section of each individual closure element for securing the individual closure element to the closure carrier (see FIG. 2F). Since the individual closure elements are made of deformable materials, the closure sections defined by the outer surface above and at element (264) of the individual closure elements are capable of being inserted through the sockets in the closure carrier in both directions with application of sufficient force. The individual closure elements may be made of rubber (e.g. silicone, latex, etc), which are relatively hard, rigid materials (see COL. 11, lines 62-65). Furthermore, the individual closure element can be inserted in the direction reversed from

that taught, which is underneath the closure carrier, by forcing the actuating section through the socket until the closure section contacts the socket. Since Applicant has not provided a working definition of positive and non-positive fit connection, Examiner has defined positive fit as fitting by insertion of one element into another and non-positive fit as the fitting of one element over the peripheral surfaces surrounding the opening of an element without insertion into the opening. The closure elements are secured to the closure carrier by a releasable positive-fit connection between the actuation section and the socket, such that each closure element can be individually removed from the closure carrier and reaction vessel (see FIG. 2F). Since the closure carrier may be made of deformable materials, a slight lateral displacement of the individual closure in the socket is permitted when the closure element is inserted into the socket for a positive-fit connection. The closure carrier may be made of polymethylmethacrylate, polycarbonate, polytetrafluoroethylene, polyvinylchloride, polydimethylsiloxane, polysulfone, polystyrene, polymethylpentene, polypropylene, polyethylene, polyvinylidine fluoride, acrylonitrile-butadiene-styrene, etc, which are relatively hard, rigid plastic materials (see COL. 3, lines 61-67; COL. 4, line 1). When the closure element is placed into the socket of the closure carrier, the closure section overlaps the reaction vessel (see FIG. 2F). Since the closure element is made of rubber (e.g. silicone, latex, etc), the closure section comprises a membrane section, which can be penetrated (see FIG. 56-67; COL. 12, lines 1-27). The individual closure elements comprise a closure handling device (266) for engaging an actuation tool (250), which handles a single individual closure element at one time (see FIG. 2F). Therefore, Dubrow et al. include all the limitations of claims 1-4, 11, 19, 20-22, 25, and 26.

40. Claims 1-4, 11, 19, 20, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 98/54292 to Malmqvist.

Referring to claims 1-4, 11, 19, 20, and 25, Malmqvist discloses an arrangement for the contamination-free processing or reaction sequences (see FIGS. 2 and 4). At least two reaction vessels (1), which are arranged next to one another and connected to one another on a microtiter plate, are open to the top (see FIGS. 2 and 4; PAGE 6, lines 30-34). An individual closure element (4), which fits into the aperture of each reaction vessel, has a closure section for the tight sealing of the reaction vessel and an actuating section for engagement of the individual closure element (see FIGS. 2 and 4). When the closure section of the individual closure element enters into the reaction vessel, the closure section of the individual closure element forms a plug (see FIGS. 2 and 4). It appears that the closure section has a slight curvature facing downwards. A closure carrier (6) covers all the reaction vessels (see FIGS. 2 and 4). Applicant's drawings show that the closure carrier, which is placed upon the reaction vessels, has sockets or openings, such that the closure carrier does not actually physically cover the reaction vessels. Malmqvist shows the same circumstance, and therefore, meet the limitation. The closure carrier is provided with sockets, one for each reaction vessel and through which the closure element is inserted (see FIGS. 2 and 4). Each socket is associated with an actuating section of each individual closure element for securing the individual closure element to the closure carrier (see FIGS. 2 and 4). The individual closure element can be inserted in the direction reversed from that taught, which is underneath the closure carrier, by inserting the actuating section through the socket until the closure section contacts the socket. It appears that either side of the closure carrier may be placed directly in contact with the reaction vessels. Since Applicant has not provided a working

definition of positive and non-positive fit connection, Examiner has defined positive fit as fitting by insertion of one element into another and non-positive fit as the fitting of one element over the peripheral surfaces surrounding the opening of an element without insertion into the opening. The closure elements are secured to the closure carrier by a releasable positive-fit connection between the actuation section and the socket (see FIGS. 2 and 4). It appears that each closure element can be individually removed from the closure carrier and reaction vessel (see FIGS. 2 and 4). When the closure element is placed into the socket of the closure carrier, the closure section overlaps the reaction vessel (see FIGS. 2 and 4). It appears that there is a closure handling device for engaging an actuation tool, which handles a single individual closure element (see FIGS. 2 and 4). It appears that the closure element has a central passage point (see FIGS. 2 and 4). Therefore, Malmqvist includes all the limitations of claims 1-4, 11, 19, 20, and 25.

Claim Rejections - 35 USC § 103

41. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

42. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

43. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

44. Claims 5-10, 12-18, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,251,343 to Dubrow et al. or WO 98/54292 to Malmqvist in view of DE 3407787 or DE 2604540 or DE 2459667 and U.S. Patent No. 5,603,899 to Franciskovich et al. and U.S. Patent No. 6,312,648 to Lenardo et al.

Referring to claims 5-10, 12-18, and 37, Dubrow et al. and Malmqvist each disclose a closure forming a positive-fit connection with the closure carrier. Neither Dubrow et al. nor Malmqvist disclose a bayonet closure element, quick screw connection, snap connection, or other types of locking/fastening mechanism for positive or non-positive connection. However, these locking/fastening mechanisms between the closure element and container are very well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the closure of Dubrow et al. or Malmqvist to use a bayonet closure element, which is a unique locking mechanism for easy removal that prevents unauthorized opening as taught by each German document as noted above, quick screw connection for secure engagement between closure element and socket of the closure carrier as

taught by Franciskovich et al., snap connection for effective sealing as taught by Lenardo et al., or other types of locking/fastening mechanism for positive or non-positive connection as they are very well known and commercially available.

45. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,251,343 to Dubrow et al. in view of U.S. Patent No. 5,112,574 to Horton and U.S. Patent No. 5,247,015 to Bayan.

Referring to claims 23 and 24, Dubrow et al. disclose a closure element formed from rubber. Dubrow et al. do not explicitly disclose that different sections of the closure element is made from materials of different rigidity or softness and the closure element is made from a thermoplastic elastomer. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the closure element of Dubrow et al. to make it from a thermoplastic elastomer for reduced possibility of chemical degradation as taught by Bayan (see COL. 2, lines 60-68) and make the different sections of the closure element from materials of different rigidity or softness for a fairly secure stopper as taught by Horton (see COL. 4, lines 17-21).

46. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,251,343 to Dubrow et al.

Referring to claim 36, Dubrow et al. do not explicitly disclose that the actuation tool is an active tool of an industrial robot that has a fixation for carrying the reaction vessels. However, it is very well known to use automation to put caps onto reaction vessels and transport reaction vessels. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the actuation tool part of an industrial robot which has a

fixation for carrying reaction vessels since it has been held that providing a mechanical or automatic means to replace manual activity which accomplishes the same result involves only routine skill in the art (*In re Venner*, 120 USPQ 192).

Conclusion

47. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They include one or more limitations in the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Quan whose telephone number is (703) 305-1947. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (703) 308-4037. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Elizabeth Quan
Examiner
Art Unit 1743

rq

Jill Warden
Supervisory Patent Examiner
Technology Center 1700